

REMARKS**I. Status of the claims**

By this Amendment, Applicants cancel claims 1, 5, 12, 15, and 19, without prejudice or disclaimer of the subject matter therein, amend claims 2-4, 6, 7, 9-11, 13, 14, and 16-18, and add new claims 20-28. Upon entry of this Amendment, claims 2-4, 6-11, 13, 14, 16-18, and 20-28 are pending in this application.

In the Office Action of June 29, 2004,¹ claims 16-18 were allowed² and claims 2-4, 6-11, 13, and 14 were indicated as drawn to allowable subject matter. Claim 5 was rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,361,202 to *Minovitch* (“*Minovitch*”); claim 12 was rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Application Publication No. 2003/0109972 A1 (“*Tak*”); claim 1 was rejected under 35 U.S.C. § 103(a) as unpatentable over *Tak* in view of *Minovitch*; claims 15 and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,061,628 to *Hayashi et al.* (“*Hayashi*”) in view of *Tak*; and claims 2-4, 6-11, 13, and 14 were objected to as being dependent on a rejected base claim. Applicants acknowledge, with appreciation, the Examiner’s indication of allowable subject matter and address the rejections and objection below.

II. Rejection of claim 5 under 35 U.S.C. § 102(b)

The rejection of claim 5 is rendered moot by the cancellation of that claim.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

² Applicants amend claims 16-18 to improve form and not for reasons related to patentability. Applicants submit that claims 16-18, as currently presented, remain in condition for allowance.

III. Rejection of claim 12 under 35 U.S.C. § 102(b)

The rejection of claim 12 as anticipated by *Tak* is rendered moot by the cancellation of that claim. Notwithstanding the fact that claim 12 has been cancelled, Applicants point out for the record that *Tak* is not a proper reference under 35 U.S.C. § 102(b). The application under examination (the ‘841 application) was filed on August 4, 2003, and also claims priority to JP 2002-260146, filed September 5, 2002. *Tak*’s publication date of June 12, 2003, is not more than one year prior to the August 4, 2003, filing date of the ‘841 application. *Tak* therefore does not qualify as prior art within the context of 35 U.S.C. § 102(b). To the extent *Tak* qualifies as prior art to the ‘841 application at all, it would potentially be under 35 U.S.C. § 102(e).

IV. Rejection of claim 1 under 35 U.S.C. § 103(a)

By this Amendment, Applicants cancel claim 1. The rejection of claim 1 is therefore rendered moot. Applicants, however, point out that *Tak* may not be a proper reference under 35 U.S.C. § 103(a) with respect to the ‘841 application.

V. Rejection of claims 15 and 19 under 35 U.S.C. § 103(a)

The rejection of claims 15 and 19 is rendered moot by the cancellation of those claims.

VI. Objection to claims 2-4, 6-11, 13, and 14

The Examiner objected to claims 2-4, 6-11, 13, and 14 as being dependent upon a rejected base claim, indicating that these claims would be allowable if rewritten in independent form with all of the base and intervening claim recitations. Claims 2 and 6 have been re-written in independent form with the recitations of base claims 1 and 5, respectively. Applicants also make minor changes to claims 2 and 6 to improve form and not for reasons related to patentability. Because claims 2 and 6 are now in the form the Examiner indicated as allowable, Applicants request withdrawal of the objection of claims 2 and 6 and the timely allowance of

these claims. Each of claims 3, 4, and 7-11 depends from claim 2 or 6 and therefore does not depend upon a rejected base claim. Accordingly, the objection to claims 3, 4, and 7-11 should be withdrawn and these claims should be allowed.

With regard to claims 13 and 14, the Examiner's objection is ambiguous. Claim 13 is an independent claim and does not depend upon a rejected base claim. As such, the objection to claim 13 as being dependent upon a rejected base claim is improper and should be withdrawn. Because claim 13 was not rejected or objected to on any other ground, and because the amendments to claim 13 improve form only, Applicants assume that claim 13 is allowable over the cited references. Applicants therefore request the withdrawal of the objection to claim 13 and the timely allowance of this claim. Claim 14 should be allowed as well, at least because it depends from claim 13, which is not a rejected base claim.

Should the Examiner dispute the patentability of claims 13 and 14, Applicants request that the Examiner provide a new Office Action, which should be non-final, addressing these claims on the merits.

VII. New claims

New independent claim 20 recites a combination including:

means for receiving a packet containing information indicating a position of a transmission destination and information to be transmitted to the transmission destination from a first on-vehicle electronic apparatus using a wireless LAN; and

means for transmitting the received packet to a second on-vehicle electronic apparatus using the wireless LAN.

New independent claim 25, although of different scope, includes features similar to those of claim 20. In particular, claim 25 recites, *inter alia*:

receiving a packet containing information indicating a position of a transmission destination and information to be transmitted to the

transmission destination, from a first on-vehicle electronic apparatus using a wireless LAN; and
transmitting the received packet to a second on-vehicle electronic apparatus using the wireless LAN.

Applicants submit that new claims 20 and 25 are neither anticipated nor rendered obvious by *Minovitch, Tak, or Hayashi*. Each of new claims 21-24 and 26-28 depends from claim 20 or 25 and is neither anticipated nor rendered obvious by the cited documents at least by virtue of such dependency. Moreover, Applicants submit that neither *Minovitch, Tak, nor Hayashi*, nor any combination thereof, teaches or suggests each and every feature of claims 21-24 and 26-28. Applicants thus request the timely allowance of the new claims.

VIII. Conclusion

The claimed invention is neither anticipated nor rendered obvious in view of the references cited against this application. Applicants request the Examiner's reconsideration of the application in view of the foregoing, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 29, 2004

By: 
Frank A. Italiano
Reg. No. 53,056